

DRAFT FINDING OF NO SIGNIFICANT IMPACT

Hoopa Valley Indian Reservation Bald Hills Water Supply Project

The Hoopa Valley Tribe, through funding provided by U. S. Environmental Protection Agency (EPA) and the Indian Health Service (IHS) plans to extend the valley-wide community drinking water distribution system to the Bald Hills region. The proposed project includes 8.5 miles of water mains installed along existing roads, four booster-pumping stations, five small water storage tanks, and thirty-one individual water service lines to existing houses. Review of the impacts of an additional 5 miles of water main is included in the Environmental Assessment (EA), although EPA will not provide funding of this portion of the proposed project. The water system extension will correct serious sanitation and public health problems resulting from the use of water from creeks, springs and shallow wells. During summer drought conditions, the Tribe has been required to truck water to a number of the 93 residents of this community.

EPA has completed an Environmental Assessment (EA), dated December 2005, to evaluate the environmental consequences of the proposed action, along with feasible alternatives and the no action alternative. An electronic version of the EA can be access via the Internet at <http://www.hoopan-sn.gov/departments/hvpud.htm>. The Bureau of Indian Affairs (BIA) and EPA have agreed to be cooperating agencies in this environmental review. As a result of the EA, as well as public discussion of the proposed project and alternatives, the EPA has determined the action will not have a significant impact on the quality of the human environment. An Environmental Impact Statement is not required.

The following supports the Finding of No Significant Impact (FNSI):

Living Resources

EPA completed a biological assessment, dated September 15, 2005, to assess the effects of the project on the Coho salmon, which is listed as threatened under the Endangered Species Act. Designated critical habitat for this species will not be impacted. The project will not result in water quality impacts on the Trinity River or other tributary streams, because construction will take place in existing roads well away from the streams. In addition, best management practices will be in place to assure there are no water quality impacts. A review of biological impacts indicated that construction of the Bald Hills water main extension would not adversely affect the Coho salmon. The National Marine Fisheries Service concurred with this determination through an informal consultation. There are no adverse affects to essential fish habitat.

The Tribe completed a second biological evaluation, dated January 29, 2005, which considered potential project impacts on other listed species of concern, including the

Northern Spotted Owl, Bald Eagle and Marbled Murrelet. The proposed project will comply with provisions of the Tribe's Forest Management Plan, and a Biological Opinion issued by the U. S. Fish and Wildlife Service (USFWS), providing protection for forest species. Bald Eagles are regular winter visitors to the Reservation, but there are no nesting eagles. There are no known Marbled Murrelets nests within 0.25 mile of the project construction zone. EPA concluded the project would have no effect on these three listed species and the USFWS concurred. Potential adverse effects to owls were mitigated by restricting construction in areas within 0.25 mile of Northern Spotted Owl activity centers and nests during the breeding season, February 1 - July 31, until nesting status is determined. A Tribal biologist will conduct further surveys 30 days before the start of construction, if work would take place during the breeding season. If occupied nests are evident, construction in the area will be resumed after owl nests are vacated. The Osprey is a sensitive species and no construction in the vicinity of nests would be performed during the breeding and nesting season.

The biological assessment and evaluation as well as the concurrences of USFWS and National Marine Fisheries Service are included in Appendix B of the Environmental Assessment.

Cultural Resources

A cultural resources survey was conducted on March 29, 2005 to determine if the project would impact potential National Register eligible historic properties. One National Register eligible property, the White Deerskin Dance Trail was identified within the project's area of potential effects. Construction will not take place in this area during use of the trail for ceremonies and construction areas will be restored to their natural appearance. Consultation with both the State Historic Preservation Office (SHPO) and Hoopa Valley Cultural Committee precluded negative impacts on this National Register eligible historic property. A copy of the SHPO concurrence letter included in Appendix A of the Environmental Assessment. All project personnel and contractors will be informed of cultural resource issues and if National Register eligible sites or human remains are discovered during the construction phase of the project, the Tribal and State cultural preservation staff will be consulted in accordance with the National Historic Preservation Act and the Native American Graves Protection and Repatriation Act.

Water Resources and Floodplains

Construction will involve removal of native vegetation, grading and earth moving activities, and best management practices will mitigate potential impacts. In addition an NPDES storm water discharge permit will be secured.

While the entire Bald Hills water supply service area is well outside the 100-year floodplain, a 200 lineal foot section of the water main is located within the floodplain. This section of pipe is located within the Bald Hills road embankment, and eight-inch diameter steel pipe will be utilized to protect against potential erosion.

Air Quality

Project impacts to air quality will be limited to construction activities and will consist of emissions from gas and diesel engines in construction trucks and equipment, as well as dust associated with trenching and earth moving activities. The Tribe will implement standard dust control measures, such as watering of exposed dirt areas, covering construction vehicles for off-site transport, and cessation of construction activities if wind speeds exceed 20 mph.

Public Review

An electronic version of the EA is available at <http://www.hoopan.nsn.gov/departments/hvpud.htm>. The EA is also available for public review at the offices of EPA Region 9 (WTR-6), 75 Hawthorne Street, San Francisco, CA 94105-3901. To obtain a hard copy of the document contact Roger Yates, P.E. at (415) 972-3549 or via e-mail at yates.roger@epa.gov. Copies of the EA are also available for review at the Hoopa Valley Public Utilities District, by contacting Barbara Ferris at (530) 625-4543.

EPA must receive comments on the FNSI for consideration within 30 calendar days from the date of publication of the Legal Notice of Decision. EPA will take no administrative action on the above-described project prior to expiration of this comment period.

Comments should be mailed to Roger Yates, U. S. EPA Region 9 (WTR-6), 75 Hawthorne Street, San Francisco, CA, 94105-3901 or faxed to Mr. Yates at (415) 947-3549.

After EPA assesses any comments received, those comments, EPA's responses and this FNSI will be forwarded to the Regional Administrator for review and signature. If the Regional Administrator signs this FNSI, it will not be re-circulated for review, but will be available to any individual upon request.

Wayne Nastri
Regional Administrator

Date